

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 497

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 3 down through “entity” in line 4 and substitute “establishing a Transportation Public-Private Partnership Program in the Maryland Transportation Authority to develop partnership agreements between private entities and the Authority or the Department of Transportation”; in line 4, strike the first “or” and substitute a comma; in the same line, strike “of” and substitute a comma; in lines 4 and 5, strike “to a” and substitute “of”; and in line 5, strike “facility” and substitute “facilities and maintenance and services in connection with new, expanded, or purchased transportation facilities; requiring a transportation facility that is the subject of an agreement under this Act to be consistent with and incorporated into the Consolidated Transportation Program and the Maryland Transportation Plan”.

On pages 1 and 2, strike beginning with “authorizing” in line 6 on page 1 down through “Department” in line 1 on page 2 and substitute “prohibiting private entities subject to certain partnership agreements from imposing tolls or user fees; requiring partnership agreements to comply with all applicable laws and regulations; requiring the Authority to establish certain procedures for the submittal, evaluation, and approval of solicited and unsolicited proposals; prohibiting the submittal of certain proposals before a certain point during the final project planning phase; requiring that agreements be subject to a certain prevailing wage rate; requiring the Authority to adopt certain regulations”.

On page 2, in line 1, after “defining” insert “a”; and in the same line, strike “terms” and substitute “term”.

AMENDMENT NO. 2

On page 2, strike beginning with “2-701” in line 5 through “Transportation” in line 6 and substitute “4-205.1”.

(Over)

AMENDMENT NO. 3

On page 2, strike in their entirety lines 12 and 13 and substitute “4-205.1.”.

On pages 2 and 3, strike beginning with “SUBTITLE” in line 14 on page 2 down through “(L)” in line 13 on page 3 and substitute “SECTION.”.

On page 3, strike in their entirety lines 15 through 19, inclusive; in line 20, strike “(A)” and substitute “(B)”; and strike in their entirety lines 32 through 37, inclusive.

On pages 4 through 16, strike in their entirety the lines beginning with line 1 on page 4 through line 23 on page 16, inclusive, and substitute:

“(C) THERE IS A TRANSPORTATION PUBLIC-PRIVATE PARTNERSHIP PROGRAM IN THE AUTHORITY.

(D) THE PURPOSE OF THE PROGRAM IS TO DEVELOP PARTNERSHIP AGREEMENTS BETWEEN PRIVATE ENTITIES AND THE AUTHORITY OR THE DEPARTMENT CONCERNING:

(1) ACQUISITION, CONSTRUCTION, OR IMPROVEMENT OF TRANSPORTATION FACILITIES; AND

(2) MAINTENANCE AND SERVICES IN CONNECTION WITH NEW, EXPANDED, OR PURCHASED TRANSPORTATION FACILITIES.

(E) A TRANSPORTATION FACILITY THAT IS THE SUBJECT OF A PARTNERSHIP AGREEMENT UNDER THIS SECTION, INCLUDING ANY INTERCONNECTION WITH EXISTING TRANSPORTATION FACILITIES AND OPERATIONS OF THE PROPOSED TRANSPORTATION FACILITY, SHALL BE CONSISTENT WITH, AND EVENTUALLY INCORPORATED INTO, THE DEPARTMENT’S CONSOLIDATED TRANSPORTATION PROGRAM OR THE MARYLAND TRANSPORTATION PLAN, AS APPLICABLE.

(F) A PARTNERSHIP AGREEMENT ENTERED INTO UNDER THIS SECTION SHALL:

(1) PROHIBIT A PRIVATE ENTITY FROM IMPOSING TOLLS OR USER

FEES ON AN EXISTING INTERSTATE HIGHWAY OR A FREE HIGHWAY, BRIDGE, TUNNEL, OR OVERPASS UNLESS THE HIGHWAY, BRIDGE, TUNNEL, OR OVERPASS IS RECONSTRUCTED TO PROVIDE FOR INCREASED CAPACITY;

(2) PROVIDE FOR PAYMENT OF THE PREVAILING WAGE RATE UNDER TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(3) COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.

(G) (1) THE AUTHORITY SHALL ESTABLISH PROCEDURES FOR THE SUBMITTAL, EVALUATION, AND APPROVAL OF SOLICITED AND UNSOLICITED PROPOSALS TO ENTER INTO AGREEMENTS UNDER THIS SECTION.

(2) PROCEDURES ESTABLISHED UNDER THIS SUBSECTION SHALL PROHIBIT THE SUBMITTAL OF AN UNSOLICITED PROPOSAL CONCERNING A HIGHWAY FACILITY THAT IS NOT PART OF A PROPOSED PROJECT IN THE CONSOLIDATED TRANSPORTATION PLAN.

(H) THE AUTHORITY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”.